

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JESUS HINOJOSA

v.

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY**

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CIVIL ACTION NO. 5:19-cv-11

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY** ("**State Farm**") and files this Notice of Removal and respectfully shows the Court the following:

I. STATE-COURT ACTION

1.1. The above-styled cause was initially brought in the 285th District Court, Bexar County, Texas. The state-court action is styled: Cause No. 2018CI22530; *Jesus Hinojosa v. State Farm Mutual Automobile Insurance Company*.

1.2. Plaintiff Jesus Hinojosa did not demand a jury trial in the state-court action.

1.3. Defendant State Farm filed its Original Answer on December, 2018.

II. PARTIES

2.1. Plaintiff Jesus Hinojosa is a citizen of the State of Texas.

2.2. Defendant State Farm is incorporated in and has its principal place of business in the State of Illinois.

III. JURISDICTION

3.1. This Court has jurisdiction over the subject matter of this cause, pursuant to 28 U.S.C. § 1332, because this is a civil action in which the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states. See 28 U.S.C. § 1332(a)(1).

3.2. More specifically, Plaintiff affirmed in his Original Petition that he is seeking monetary relief over \$100,000.00, but not more than \$2,000,000.00. Therefore, the amount-in-controversy requirement is satisfied.

3.3. Additionally, the complete-diversity-of-citizenship requirement is satisfied as Plaintiff is a citizen of the State of Texas, whereas Defendant has is incorporated in and has its principal place of business in the State of Illinois.

3.4. Accordingly, this cause is removable pursuant to 28 U.S.C. §§ 1441.

IV. VENUE

4. Venue is proper in the United States District Court, Western District of Texas, San Antonio Division because the events giving rise to the claim occurred in San Antonio, Bexar County Texas. See 28 U.S.C. § 1391(b)(2).

V. TIMELINESS

5. Defendant was served with process and Plaintiff's Original Petition on December 7, 2018. Thirty days have not elapsed since Defendant was served with process. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is timely and proper.

VI. ATTACHMENTS

6.1. Accompanying this Notice of Removal is a copy of all process, pleadings, and orders served upon Defendant in the state-court action, in accordance with 28 U.S.C. § 1446, identified and incorporated herein as Exhibit “1.”

6.2. Additionally, and pursuant to Local Rule CV-3(a), a completed Civil-Cover Sheet is attached and incorporated herein as Exhibit “2.”

VII. CONDITIONS PRECEDENT

7. Defendant has tendered the filing fee to the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, along with the original Notice of Removal. A copy of this Notice of Removal is also being filed in the County Court at Law No. 10 of Bexar County, Texas, and all counsel of record are being provided with complete copies.

VIII. PRAYER

8. Accordingly, Defendant **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY** respectfully prays that this action be removed to the United States District Court, Western District of Texas, San Antonio Division.

Respectfully submitted,

By: 

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**CURNEY, FARMER,
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served on the following through the electronic filing manager, by mail, by commercial delivery service, by fax, by email, or by such other manner as directed by the court on the 7th day of January, 2019.

Stanley Bernstein
George LeGrand
LeGrand & Bernstein
2511 North St. Mary's Street
San Antonio, Texas 78212



Edward L. Osuna

Nicholas A. Parma